

Remarks

Upon entry of the amendments sought hereby, claims 74, 75 and 76 are now pending. Claims 1-73, of which 35, 38, 45-47, 50-55 and 63 *were* pending and drawn to methods of isolating DNA, are now cancelled. This cancellation is intended to be without prejudice to those claims' future prosecution and Applicants reserve the right to pursue those claims later.


The instant amendment is meant to simplify and expedite prosecution by introducing claims that moot the pending rejections by substantially tracking issued claims 1, 39, and 40 of commonly-owned priority application serial number 07/541,108, filed June 20, 1990 and issued March 3, 1998 as US Patent 5,723,286. *This* application is a continuation of the '108 parent application and a copy of the original oath/declaration for the parent case is furnished herewith and believed to be appropriate because inventorship is believed to be the same as between the two cases.

New independent claims 74, 75 and 76 substantially track issued claims 1, 39, and 40 of the '286 patent, except that the new claims have been modified to reflect methods of identifying polynucleotide sequences instead of focusing on encoded peptides. As such, several of the very same art references cited by the Examiner *here* also underpinned rejections overcome in the parent case by supply of cogent and persuasive declarations and argument that electroporation of at least  $10^8$  filamentous phage vectors of the type specified in the instant application was nowhere taught or suggested previously in the art, alone or combined, nor alone or combined demonstrated or predicted to achieve the useful results obtained by Applicants here.

The Commissioner is hereby authorized to debit deposit account 01-0430 for the appropriate amount in connection with the prosecution of this response, including the \$1020.00 large entity fee under 37 CFR § 1.17(a)(3) for a three month extension of time and any other fee that may be due and owing in connection with the filing of this response.

The Examiner is graciously urged to contact the undersigned by telephone at (858) 485-0513 should that be deemed appropriate to expedite prosecution and allowance.

Respectfully submitted,

  
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